

**Sponsored By:** Garrett  
**Planning Commission Public Hearing Date:** April 18, 2022  
**City Council Public Hearing Date:** May 10, 2022  
June 14, 2022  
July 12, 2022  
**Enactment Date:** July 12, 2022

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2022-09**

**ORDINANCE 2022-XXX, OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 103 “ZONING DISTRICTS”, ARTICLE 3 “USE AND INTENSITY TABLES”, UPDATING TABLE 103.15.1 “USES BY ZONING DISTRICT”, UPDATING TABLE 103.15.2 “DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS”; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

**WHEREAS**, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs;” and

**WHEREAS**, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The three rows listed below in table 103.15.1 are amended as shown, and the additional footnote shall be added after the table.

~~Strikethrough~~ = deletion      **bold underline** = addition

**Table 103.15.1**  
Uses by Zoning District

ZONING DISTRICT	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR
Bars and taverns— Section 104.06										C	C	<u>C</u>	<u>C</u>			
***																
Beekeeping****	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
***																
Vacation Rental units	<u>L</u>	L	L	L	L	L	L	L	L	L	L					

\*Permitted uses are limited to those which are related to the maritime industry

\*\*Submerged Mooring Facilities may only be permitted in association with upland areas whose zoning is shown as having a "C"

\*\*\*Existing Single-Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90 percent developed with single family residences as of the date that DEO accepts the Ordinance.

\*\*\*\* Limited to Florida Registered Beekeepers with the Florida Department of Agriculture and Consumer Services (FDACS).

Note: Uses may be subject to additional requirements, see Chapter 104, Specific Use Regulations.

**SECTION 2.** The height limit row listed below in table 103.15.2 is amended as shown.

**Table 103.15.2**  
DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	RM-1	RM-2	RL	RL-C
Density Range (units per acre) ****		.25	0.1	<del>5—</del> 10	<del>5—</del> 10	<del>6—</del> 15	<del>6—</del> 15	<del>10—</del> 25	1/4ac	<del>8—</del> 25	<del>8—</del> 25	<del>5—</del> 10	4	5	0.5	.25 <sup>4</sup>
Market Rate (maximum)		.25	0.1			6	6		.25	8	8	5	4	5	0.5	0.25
Affordable (maximum) <sup>3</sup>		.25	0.1	5-10	5-10	15	15	10-25	.25	15-25	25	10	4	5	0.5	.25
Transient						5-25		3-25	10	0	0	0	0	0	0	0

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<b>Min lot area per unit (square feet)</b>																
Market Rate		4 acres	10 acres			7,260	7,260		4 acres	5,445	5,445	8,712	10,000	8,712	2 acre	4 acres
Affordable		4 acres	10 acres	4,356	4,356	2,904	2,904	1,742	4 acres	1,742	1,742	4,356	10,000	8,712	2 acre	4 acres
<b>FAR</b>	0.15-0.50	0.05-0.10	0.05-0.10	0.85	0.85	0.15-0.6 <sup>1</sup>	0.15-0.61	0.15-0.75	0.15-0.50							N/A
<b>Setbacks</b>																
Front, min	200	25	25	10	10	0-30	20	15	15	10	10	20	20	20	25	25
Rear, min	200	25	25	10	10	20	20	10	10	10	10	20	20	20	25	25
Side 1, min		10	10			0-10	10			5	5	5	10	10	10	10
Interior Side Min	200			5	5	10		5	5				10	5		
Side 2, min		10	10			0-10	10			5	5	5	10	10	10	10
Street Side Min	200			5	5	0-5		5	5							
<b>Height Limit<sup>3</sup></b>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>	<del>37-42</del>
<b>Units Per Building***</b>										10	N/A					
<b>Max Lot Coverage **</b>		5,000 ft <sup>2</sup>	5%													
<b>Open Space, Min. (%)**</b>	0.20	0.50	0.95	0.20	0.20	0.20	0.20	0.20	0.20	.20	0.20	0.20	0.20	0.20	0.50	0.50
<b>Minimum Street-front Lot Width</b>										75'		100'	100'	100'		

**SECTION 3.** The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5.** It is the intention of the City Council, and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections

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of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**SECTION 6.** The provisions of this Ordinance constitute a "land development regulation" as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**SECTION 7.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12<sup>th</sup> DAY OF JULY, 2022.**

**THE CITY OF MARATHON, FLORIDA**



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**John Bartus, Mayor**

AYES: Zieg, Cook, Still, Gonzalez, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

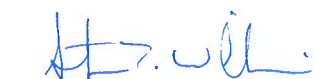


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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



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Steven Williams, City Attorney

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